The Metropolitan Water District of Southern California

Agenda

The mission of the Metropolitan Water District of Southern California is to provide its service area with adequate and reliable supplies of high-quality water to meet present and future needs in an environmentally and economically responsible way.

| L&C Committee M. Luna, Chair | Legal and Claims Committee | Tuesday, July 12, 2022 Meeting Schedule | |
|------------------------------------|---|--|--|
| J. Garza, Vice Chair M. Camacho | Meeting with Board of Directors * | 9:30 am - E&O | |
| G. Cordero | July 12, 2022 | 10:30 am - RP&AM | |
| L. Dick | July 12, 2022 | 11:00 am - OP&T | |
| C. Douglas | 12:00 p.m. | 12:00 pm - L&C | |
| C. Kurtz | 12.00 p.m. | 1:00 pm - C&L | |
| T. McCoy | | 1:30 pm - WP&S | |
| C. Miller | | 3:00 pm - BOD | |
| G. Peterson | Agendas, live streaming, meeting schedules, and | | |
| M. Ramos | available here: https://mwdh2o.legistar.com/Caler | | |
| K. Seckel | K. Seckel technical difficulties with the live streaming page, a listen-only phone line | | |
| | available at 1-877-853-5257; enter meeting ID: 862 | | |
| | public may present their comments to the Board | | |
| | jurisdiction as listed on the agenda via in-person participate via teleconference 1-833-548-0276 and | | |
| | 4276 or click | enter meeting ID. 615 2006 | |
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| MWD Head | dquarters Building • 700 N. Alameda Street • Los Ang | jeles, CA 90012 | |

* The Metropolitan Water District's meeting of this Committee is noticed as a joint committee meeting with the Board of Directors for the purpose of compliance with the Brown Act. Members of the Board who are not assigned to this Committee may participate as members of the Board, whether or not a quorum of the Board is present. In order to preserve the function of the committee as advisory to the Board, members of the Board who are not assigned to this Committee.

1. Opportunity for members of the public to address the committee on matters within the committee's jurisdiction (As required by Gov. Code Section 54954.3(a))

2. MANAGEMENT REPORTS

A. General Counsel's report of monthly activities

<u>21-1313</u>

Attachments: 07122022 LC 2A Report - Revised

** CONSENT CALENDAR ITEMS -- ACTION **

3. CONSENT CALENDAR OTHER ITEMS - ACTION

A. Approval of the Minutes of the Meeting of the Legal and Claims <u>21-1314</u> Committee held June 14, 2022

Attachments: 07122022 LC 3A Minutes

4. CONSENT CALENDAR ITEMS - ACTION

Report on litigation in San Diego County Water Authority v. 7-6 21-1315 Metropolitan Water District of Southern California, et al., San Francisco County Superior Court Case Nos. CPF-10-510830, CPF-14-514004, CPF-12-512466, CPF-16-515282, CPF-16-515391, CGC-17-563350, and CPF-18-516389; the appeals of the 2010 and 2012 actions, Court of Appeal for the First Appellate District Case Nos. A146901, A148266, A161144, and A162168, and California Supreme Court Case No. S243500; the petition for extraordinary writ in the 2010 and 2012 actions, Court of Appeal for the First Appellate District Case No. A155310; the petition for extraordinary writ in the second 2016 action, Court of Appeal for the First Appellate District Case No. A154325 and California Supreme Court Case No. S251025; and the Metropolitan Water District of Southern California v. San Diego County Water Authority cross-complaints in the 2014, 2016, and 2018 actions; and authorize increase in maximum amount payable under contract for legal services with Manatt, Phelps & Phillips, LLP, in the amount of \$1,500,000 for a total amount not to exceed \$4,400,000; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA. [Conference with legal counsel - existing litigation; to be heard in closed session pursuant to Gov. Code Sections 54956.9(d)(1)]

** END OF CONSENT CALENDAR ITEMS **

5. OTHER BOARD ITEMS - ACTION

NONE

6. BOARD INFORMATION ITEMS

NONE

7. COMMITTEE ITEMS

NONE

8. FOLLOW-UP ITEMS

NONE

9. FUTURE AGENDA ITEMS

10. ADJOURNMENT

NOTE: This committee reviews items and makes a recommendation for final action to the full Board of Directors. Final action will be taken by the Board of Directors. Agendas for the meeting of the Board of Directors may be obtained from the Board Executive Secretary. This committee will not take any final action that is binding on the Board, even when a quorum of the Board is present.

Writings relating to open session agenda items distributed to Directors less than 72 hours prior to a regular meeting are available for public inspection at Metropolitan's Headquarters Building and on Metropolitan's Web site http://www.mwdh2o.com.

Requests for a disability related modification or accommodation, including auxiliary aids or services, in order to attend or participate in a meeting should be made to the Board Executive Secretary in advance of the meeting to ensure availability of the requested service or accommodation.



Matters Involving Metropolitan

In re Matter of the Metropolitan Water District of Southern California, South Coast Air Quality Management District, Application for Interim Variance

On July 1, 2022, Metropolitan filed a petition with South Coast Air Quality Management District (SCAQMD) for a variance from the annual 200 hour limit on operations in its permit to operate an emergency standby propane generator at its Pleasant Peak telecommunication tower. The SCAQMD thresholds seek to limit criteria pollutant emissions (i.e., nitrogen oxides, carbon monoxide, and volatile organic compounds) by restricting the number of hours generators run. The telecommunication tower is in a remote area of Orange County and relies on the emergency generator, if there are power outages on Southern California Edison's (Edison) system. The tower is necessary for operational communications for Metropolitan's water delivery system. Other public agencies, including Riverside County, San Bernardino County, and the Water Emergency Response Organization of Orange County, also rely on the emergency generator to provide backup power for their telecommunications systems housed at this location. Thus, uninterrupted operation of the tower is necessary to support several essential public services.

The need for this variance is due solely to unanticipated Edison power outages. Several recent Edison outages for repairs to its system required Metropolitan to operate the generator over 170 hours as of July 1, 2022, putting it at risk of exceeding the 200-hour limit before year end.

SCAQMD's hearing board granted an immediate emergency waiver and a follow-up hearing was held on July 26. As SCAQMD was in agreement with the petition, the item was heard on the consent calendar and the board found good cause to grant the variance. A final hearing for a regular variance that will provide coverage to the end of the year will be held on August 31.

Metropolitan staff is handling this matter and will continue to participate in this case to protect Metropolitan's operational needs.

Sierra Club v. Cal. Dept. of Water Resources (consolidated with Department of Water Resources v. All Persons Interested, etc.) (Sacramento County Superior Court)

On August 5, 2022, the judge in the Delta Conveyance Project revenue bond validation cases held a case management conference to establish a briefing and hearing schedule for the next stage of litigation before setting a trial date and briefing schedule later this year. The court ordered that any motions for summary judgment or summary adjudication and any motion for new trial be filed by August 15, 2022, extended to August 25 due to a Covid issue, with a hearing date set for November 18, 2022. The court also set the next case management conference for December 9, 2022 to establish a trial date and briefing schedule, if it denies the opponents' motions for summary judgment and new trial.

As previously reported, on August 6, 2022, the Department of Water Resources (DWR) adopted a set of resolutions authorizing issuance of revenue bonds to finance both the design, environmental review and planning costs, as well as costs to construct a new Delta conveyance facility. The same day, it filed a validation action seeking a judicial declaration that it has the authority to adopt the bond resolutions. Dozens of parties filed answers raising an array of affirmative defenses opposing DWR's validation case; five public water agencies, including Metropolitan, filed answers supporting DWR's case.

On October 27, 2020, Sierra Club, Center for Biological Diversity, Planning and Conservation League, Restore the Delta and Friends of Stone Lakes National Wildlife Refuge filed litigation challenging DWR's adoption of the bond resolutions under the California Environmental Quality Act (CEQA), alleging that DWR could not adopt the bond resolutions until it completed CEQA review of the Delta Conveyance Project. Multiple parties also raised CEQA as an affirmative defense in DWR's validation case.

The cases were consolidated, and last fall, after a set of cross-motions for summary judgment on CEQA, the trial court ruled in DWR's favor, meaning Sierra Club's CEQA claims and all CEQA

affirmative defenses in the validation action failed based on the law as applied to the undisputed material facts.

Because the trial court judge was appointed to the Court of Appeal for the Third Appellate District, the cases were delayed until the Honorable Judge Mennemeier was assigned. In the next round of dispositive motions, Sierra Club has indicated it will move for a new trial on its CEQA claim, and it and other answering opponents stated they intend to move for summary judgment on alleged violations of the Delta Reform Act and the public trust doctrine, and possibly others.

Metropolitan staff is handling this matter with the assistance of outside counsel.

Matters Impacting Metropolitan

Department of Interior v. Navajo Nation, (U.S. Supreme Court Case No. 22-51); State of Arizona v. Navajo Nation (U.S. Supreme Court, Case No. 21-1484, U.S. Court of Appeals for the Ninth Circuit, Case No. No. 19-17088, D.C. No. 3:03-cv-00507-PCT-GMS)

On July 15, 2022, U.S. Department of Interior (DOI) filed a separate petition with the U.S. Supreme Court seeking review of the question whether the federal government owes the Navajo Nation an affirmative, judicially enforceable fiduciary duty to assess and address the Navajo Nation's need for water. DOI argues it does not, as there is no specific treaty, statute, or regulatory provision creating a duty as required by existing Ninth Circuit and Supreme Court precedent. DOI argues that because the Ninth Circuit's decision in this matter conflicts with existing authority, it warrants Supreme Court review.

DOI also concurrently filed a response to the Intervenors' petition arguing that it should be held pending disposition of its separate petition on the fiduciary duty issue. DOI argued that it does not believe it is necessary to rule on the jurisdictional issue of whether the Ninth Circuit's opinion infringes on the exclusive jurisdiction of the Supreme Court over water rights on the mainstem of the Colorado River retained in *Arizona v. California* at this time.

Intervenors include the States of Arizona, Nevada, and Colorado, along with Metropolitan, Coachella Valley Water District, Imperial Irrigation District, Salt River Valley Water Users' Association, Salt River Project Agricultural Improvement and Power District, Central Arizona Water Conservation District, Colorado River Commission of Nevada, and Southern Nevada Water Authority. Having initially waived its right to respond, Navajo Nation immediately requested relief to file a response to Intervenors' petition and to extend its date to respond to DOI's new petition. The parties did not object and agreed that responses by all parties to DOI's petition and Navajo Nation's response to Intervenors' petition are due September 23, 2022. Replies, if any, are due within 14 days of the responses.

Intervenors intend to file a response to DOI's petition and a reply to the Navajo Nation's response to its petition. The parties expect the matter to be fully briefed in October, when the Supreme Court may consider whether to grant review. If review is granted, briefs are due 45 days thereafter.

Metropolitan will continue to participate in this case to protect its Colorado River water interests. (See General Counsel's May 2022 Monthly Report.)

EEOC Updates Employer COVID-19 Pandemic Guidance

On July 12, 2022, the federal EEOC updated its guidance to employers regarding the country's ongoing response to COVID-19. Under the new rules, employers can only test employees at the workplace for COVID-19 for job and business related reasons. The EEOC also now prohibits employers from requiring employees to undergo antibody testing prior to re-entering the workplace. Employers are authorized, however, to test new job applicants, but only if everyone at the worksite is required to undergo testing.

The new guidance makes clear that employer obligations continue to change as the pandemic progresses.

Other Matters

Finance

On July 7, 2022, Metropolitan issued \$279,570,000 of Water Revenue Refunding Bonds, 2022 Series A (Bonds). The Bonds were issued to refund portions of three separate series of bonds originally issued in 2012 and realize debt service savings. Total present value debt service savings for Metropolitan was \$40 million. The Bonds also prepaid \$35,645,000 of outstanding Wells Fargo Short-Term Revolving Notes issued on June 29, 2022.

During a 4-month process, Legal Department staff attorneys worked with Finance, Engineering and Water Resources staff to prepare the official statement used to market the Bonds and assisted outside bond and disclosure counsel with the drafting and negotiation of several contracts and closing certificates. On July 27, 2022, Metropolitan concurrently issued (i) \$253,365,000 of Water Revenue Refunding Bonds, 2022 Series B; and (ii) \$282,275,000 of Special Variable Rate Water Revenue Refunding Bonds, 2022 Series C (collectively, the Bonds). The related series of Bonds were issued to refund portions of six separate series of bonds originally issued in 2000, 2016, and 2018 and realize debt service savings. Total present value debt service savings for Metropolitan was \$24.5 million.

During a several-month process, Legal Department staff attorneys worked with Finance, Engineering and Water Resources staff to prepare the official statements used to market the Bonds and assisted outside bond and disclosure counsel with the drafting and negotiation of several contracts and closing certificates, including the credit facilities supporting the variable rate bonds.

Matters Received

| <u>Category</u> | <u>Received</u> | Description | |
|---------------------------|-----------------|--|---|
| Requests Pursuant to | 15 | <u>Requestor</u> | Documents Requested |
| the Public Records Act | | Blair, Church & Flynn (2 requests) | Records for any MWD existing or proposed facilities in the vicinity of the projects in: (1) Tustin; and (2) Irvine |
| | | CalMatters | Data regarding turf rebates, including information on applications received and funded, amount of square footage replaced, and turf replacement studies |
| | | Center for Contract Compliance (2 requests) | Summit Landcare: (1) certified payroll records and fringe benefit statement for work on Landscape Maintenance, Tree Trimming and Herbicide Applications for North Orange County; and (2) bid and contract documents for Landscape Maintenance and Irrigation Repair at Yorba Linda |
| | | Fabozzi & Miller | Farm lease agreements and amendments between MWD and/or Palo Verde Irrigation District and HayDay Farms, Inc. and any affiliated or successor entities from January 1, 2022 through the present |

| <u>Requestor</u> | Documents Requested |
|------------------------------------|---|
| Indio Water Authority | Documents regarding savings from turf conversions and toilet and smart irrigation changeouts |
| KPCC | Turf rebate data for Los Angeles, Orange, Riverside, and San Bernardino Counties for fiscal years 2020/21 and 2021/22, including whether the rebate was for residential, commercial, or industrial use, number of acres replaced, and rebate amounts |
| MWD Supervisors Association | Transcript, digital media, and chats from the Coffee with the General Manager session on July 19, 2022 |
| Nighthawk Strategies | Form 700s relating to Scott Slater of Brownstein Hyatt Farber Schreck from January 2000 to present |
| Private Citizens (2 requesters) | (1) LADWP WaterInsights Reports on water usage for two addresses in the City of Los Angeles; and (2) costs associated with the design, creation, and maintenance of Diamond Valley Lake Reservoir and related fees charged to Las Virgenes Municipal Water District |
| TAIT & Associates | Information on any MWD facilities near the street rehabilitation project in the city of Bellflower |
| United Fiber Comm. | Records for any MWD existing utilities in vicinity of the project on South Harbor Boulevard in Santa Ana |
| WestWater Research | Records regarding price and delivery volume for 2022 Imperial Irrigation District/MWD water transfer |
| | |



- ADDITIONS ONLY IN THE FOLLOWING TWO TABLES WILL BE SHOWN IN RED.
- ANY CHANGE TO THE OUTSIDE COUNSEL AGREEMENTS TABLE WILL BE SHOWN IN REDLINE FORM (I.E., ADDITIONS, REVISIONS, DELETIONS).



| Bay-Delta and SWP Litigation | | |
|---|---|--|
| Subject | Status | |
| Consolidated DCP Revenue Bond Validation Action and CEQA Case Sierra Club, et al. v. California Department of Water Resources (CEQA, designated as lead case) DWR v. All Persons Interested (Validation) Sacramento County Superior Ct. (Judge Kenneth C. Mennemeier) | Validation Action Metropolitan, Mojave Water Agency, Coachella Valley Water Agency have filed answers in support Kern County Water Agency, Tulare Lake Basin Water Storage District, Oak Flat Water District, County of Kings, Kern Member Units & Dudley Ridge Water District, and City of Yuba City filed answers in opposition North Coast Rivers Alliance et al., Howard Jarvis Taxpayers Association, Sierra Club et al., County of Sacramento & Sacramento County Water Agency, CWIN et al., Clarksburg Fire Protection District, Delta Legacy Communities, Inc, and South Delta Water Agency & Central Delta Water Agency have filed answers in opposition Case ordered consolidated with the DCP Revenue Bond CEQA Case for pre-trial and trial purposes DWR's motions for summary judgment re CEQA affirmative defenses granted; cross- motions by opponents denied August 25, 2022 deadline to file any dispositive motions Nov. 18, 2022 Hearing on dispositive motions Dec. 9, 2022 Case Management Conference CEQA Case Sierra Club, Center for Biological Diversity, Planning and Conservation League, Restore the Delta, and Friends of Stone Lakes National Wildlife Refuge filed a standalone CEQA lawsuit challenging DWR's adoption of the bond resolutions Alleges DWR violated CEQA by adopting bond resolutions before certifying a Final EIR for the Delta Conveyance Project | |



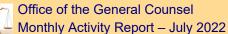
| | DWR's motion for summary judgment granted; Sierra Club's motion denied |
|---|--|
| SWP-CVP 2019 BiOp Cases Pacific Coast Fed'n of Fishermen's Ass'ns, et al. v. Raimondo, et al. (PCFFA) Calif. Natural Resources Agency, et al. v. Raimondo, et al. (CNRA) Federal District Court, Eastern Dist. of California, Fresno Division (Judge Thurston) | ,, , |

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| | request for a stay of the litigation through September 30, 2022; (3) remanded the BiOps without invalidating them for reinitiated consultation with the 2019 BiOps in place; (4) denied PCFFA's alternative request for injunctive relief; and (5) by ruling on other grounds, denied the state plaintiffs' motion for injunctive relief and the federal defendants' request for equitable relief |
|---|--|
| CESA Incidental Take Permit Cases Coordinated Case Name <i>CDWR Water</i> | All 8 cases ordered coordinated in Sacramento County Superior Court Stay on discovery issued until coordination |
| Operations Cases, JCCP 5117 (Coordination Trial Judge Gevercer) | trial judge orders otherwise |
| Metropolitan & Mojave Water Agency v. Calif. Dept. of Fish & Wildlife, et al. (CESA/CEQA/Breach of | All four Fresno cases transferred to Sacramento to be heard with the four other coordinated cases |
| Contract) | SWC and Metropolitan have submitted Public Records Act requests seeking administrative |
| State Water Contractors & Kern County Water Agency v. Calif. Dept. of Fish & Wildlife, et al. | record materials and other relevant informationAnswers filed in the three cases filed by State |
| (CESA/CEQA) | Water Contractors, including Metropolitan's |
| Tehama-Colusa Canal Auth., et al. v. Calif. Dept. of Water Resources (CEQA) | Draft administrative records produced on Sept. 16, 2021 |
| San Bernardino Valley Municipal Water Dist. v. | Certified administrative records lodged March 4, 2022 |
| Calif. Dept. of Water Resources, et al. (CEQA/CESA/ Breach of Contract/Takings) | <u>Sept. 9</u> , 2022 fifth Case Management Conference |
| Sierra Club, et al. v. Calif. Dept. of Water Resources (CEQA/Delta Reform Act/Public Trust) | Sept. 9, 2022 hearing on any motions to augment the administrative records |
| <i>North Coast Rivers Alliance, et al. v. Calif. Dept. of Water Resources</i> (CEQA/Delta Reform Act/Public Trust) | |
| Central Delta Water Agency, et. al. v. Calif. Dept. of Water Resources (CEQA/Delta Reform Act/Public Trust/ Delta Protection Acts/Area of Origin) | |
| San Francisco Baykeeper, et al. v. Calif. Dept. of Water Resources, et al. (CEQA/CESA) | |

| (20 Coordinated Cases) | incidental take permit |
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| Validation Action DWR v. All Persons Interested | January 10, 2020 – Nine motions for attorneys' fees and costs denied in their entirety |
| CEQA 17 cases | Parties have appealed attorneys' fees and costs rulings |
| CESA/Incidental Take Permit 2 cases | May 11, 2022, court of appeal reversed the trial court's denial of attorney fees and costs in an unpublished entries. |
| (Judge TBD) | an unpublished opinionOpinion ordered published |
| | <u>Coordinated cases remitted to trial court for</u> re-hearing of fee motions consistent with the court of appeal's opinion |
| COA Addendum/ No-Harm Agreement | Plaintiffs allege violations of CEQA, Delta Reform Act & public trust doctrine |
| North Coast Rivers Alliance v. DWR | USBR Statement of Non-Waiver of Sovereign Immunity filed September 2019 |
| Sacramento County Superior Ct. (Judge Gevercer) | Westlands Water District and North Delta Water Agency granted leave to intervene |
| | Metropolitan & SWC monitoring |
| | Deadline to prepare administrative record extended to <u>Sept.</u> 19, 2022 |
| Delta Plan Amendments and Program EIR 4 Consolidated Cases Sacramento County Superior Ct. (Judge Gevercer) | Cases challenge, among other things, the Delta Plan Updates recommending dual conveyance as the best means to update the |
| North Coast Rivers Alliance, et al. v. Delta Stewardship Council (lead case) | SWP Delta conveyance infrastructure to further the coequal goals |
| Central Delta Water Agency, et al. v. Delta Stewardship Council | • Allegations relating to "Delta pool" water rights theory and public trust doctrine raise concerns for SWP and CVP water supplies |
| Friends of the River, et al. v. Delta Stewardship Council | Cases consolidated for pre-trial and trial under North Coast Rivers Alliance v. Delta |
| California Water Impact Network, et al. v. Delta Stewardship Council | Stewardship CouncilSWC granted leave to intervene |
| Delta Stewardship Council Cases | Metropolitan supports SWC |
| 3 Remaining Cases (CEQA claims challenging original 2013 Delta Plan EIR) (Judge Chang) | • 2013 and 2018 cases to be heard separately due to peremptory challenge |
| North Coast Rivers Alliance, et al. v. Delta Stewardship Council | SWC and several individual members, including Metropolitan, SLDMWA and Westlands have dismissed their remaining 2013 CEQA claims but remain intervenor- |
| Central Delta Water Agency, et al. v. Delta Stewardship Council | defendants in the three remaining <i>Delta</i> Stewardship Council Cases |

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3d DCA Case No. C091771

CDWR Environmental Impact Cases

Sacramento Superior Ct. Case No. JCCP 4942,

Cases dismissed after DWR rescinded project

approval, bond resolutions, decertified the

EIR, and CDFW rescinded the CESA

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| California Water Impact Network, et al. v. Delta Stewardship Council | 2013 Cases After a hearing on Feb. 25, 2022 the court ruled against plaintiffs on the merits of their BDCP-related CEQA claims April 22, 2022 court ruled against the remaining CEQA claims and denied the petitions for writs of mandamus Three remaining petitioner groups filed notices of appeal Delta Stewardship Council filed memorandum of costs seeking \$362,407.47, mostly for cost to prepare the administrative record 2018 Cases Hearing on the merits held July 22, 2022 Ruling on the merits anticipated in September |
|---|--|
| SWP Contract Extension Validation Action Sacramento County Superior Ct. (Judge Culhane) DWR v. All Persons Interested in the Matter, etc. | DWR seeks a judgment that the Contract Extension amendments to the State Water Contracts are lawful Metropolitan and 7 other SWCs filed answers in support of validity to become parties Jan. 5-7, 2022 Hearing on the merits held with CEQA cases, below Final statement of decision in DWR's favor filed March 9, 2022 Final judgment entered and served C-WIN et al., County of San Joaquin et al. and North Coast Rivers Alliance et al. filed notices of appeal |
| SWP Contract Extension CEQA Cases Sacramento County Superior Ct. (Judge Culhane) North Coast Rivers Alliance, et al. v. DWR Planning & Conservation League, et al. v. DWR | Petitions for writ of mandate alleging CEQA and Delta Reform Act violations filed on January 8 & 10, 2019 Deemed related to DWR's Contract Extension Validation Action and assigned to Judge Culhane Administrative Record completed DWR filed its answers on September 28, 2020 Metropolitan, Kern County Water Agency and Coachella Valley Water District have intervened and filed answers in the two CEQA cases Final statement of decision in DWR's favor denying the writs of mandate filed March 9, 2022 Final judgments entered and served |



| | North Coast Rivers Alliance et al. and PCL et al. filed notices of appeal |
|--|---|
| Delta Conveyance Project Soil Exploration Case <i>Central Delta Water Agency, et al. v. DWR</i> Sacramento County Superior Ct. (Judge Chang) | Filed August 10, 2020 Plaintiffs Central Delta Water Agency, South Delta Water Agency and Local Agencies of the North Delta One cause of action alleging that DWR's |
| | adoption of an Initial Study/Mitigated Negative Declaration (IS/MND) for soil explorations needed for the Delta Conveyance Project violates CEQA |
| | March 24, 2021 Second Amended Petition filed to add allegation that DWR's addendum re changes in locations and depths of certain borings violates CEQA |
| | Deadline to prepare the administrative record extended to April 22, 2022 |
| | • DWR's petition to add the 2020 CEQA case to the <i>Department of Water Resources Cases</i> , JCCP 4594, San Joaquin County Superior Court denied |
| | Hearing on the merits scheduled for Oct. 14, 2022 |
| Water Management Tools Contract Amendment | Filed September 28, 2020 |
| <i>California Water Impact Network et al. v. DWR</i> Sacramento County Superior Ct. | CWIN and Aqualliance allege one cause of action for violation of CEQA |
| (Judge <u>Aquisto</u>) <i>North Coast Rivers Alliance, et al. v. DWR</i> Sacramento County Super. Ct. | NCRA et al. allege four causes of action for violations of CEQA, the Delta Reform Act, Public Trust Doctrine and seeking declaratory relief |
| (Judge <u>Aquisto</u>) | • Parties have stipulated to production of a draft administrative record by April 1, 2022 and to a timeline to attempt to resolve any disputes over the contents |
| | SWC motion to intervene in both cases granted |

| | San Diego (| County Water Authority v. Metropolitan, et al. |
|------------|---------------------|--|
| Cases | Date | Status |
| 2010, 2012 | Aug. 13-14, 2020 | Final judgment and writ issued. Transmitted to the Board on August 17. |
| | Sept. 11 | Metropolitan filed notice of appeal of judgment and writ. |
| | Jan. 13, 2021 | Court issued order finding SDCWA is the prevailing party on the Exchange Agreement, entitled to attorneys' fees and costs under the contract. |
| | Feb. 10 | Court issued order awarding SDCWA statutory costs, granting SDCWA's and denying Metropolitan's related motions. |
| | Feb. 16 | Per SDCWA's request, Metropolitan paid contract damages in 2010-2012 cases judgment and interest. Metropolitan made same payment in Feb. 2019, which SDCWA rejected. |
| | Feb. 25 | Metropolitan filed notice of appeal of Jan. 13 (prevailing party on Exchange Agreement) and Feb. 10 (statutory costs) orders. |
| | Sept. 21 | Court of Appeal issued opinion on Metropolitan's appeal regarding final judgment and writ, holding: (1) the court's 2017 decision invalidating allocation of Water Stewardship Rate costs to transportation in the Exchange Agreement price and wheeling rate applied not only to 2011-2014, but also 2015 forward; (2) no relief is required to cure the judgment's omission of the court's 2017 decision that allocation of State Water Project costs to transportation is lawful; and (3) the writ is proper and applies to 2015 forward. |
| | Mar. 17, 2022 | Court of Appeal unpublished decision affirming orders determining SDCWA is the prevailing party in the Exchange Agreement and statutory costs. |
| | Mar. 21 | Metropolitan paid SDCWA \$14,296,864.99 for attorneys' fees and \$352,247.79 for costs, including interest. |
| | <u>July 27</u> | Metropolitan paid SDCWA \$411,888.36 for attorneys' fees on appeals of post-remand orders. |
| 2014, 2016 | Aug. 28, 2020 | SDCWA served first amended (2014) and second amended (2016) petitions/complaints. |
| | Sept. 28 | Metropolitan filed demurrers and motions to strike portions of the amended petitions/complaints. |



| Cases | Date | Status |
|-----------------------|----------------|--|
| 2014, 2016 (cont.) | Sept. 28-29 | Member agencies City of Torrance, Eastern Municipal Water District, Foothill Municipal Water District, Las Virgenes Municipal Water District, Three Valleys Municipal Water District, Municipal Water District of Orange County, West Basin Municipal Water District, and Western Municipal Water District filed joinders to the demurrers and motions to strike. |
| | Feb. 16, 2021 | Court issued order denying Metropolitan's demurrers and motions to strike, allowing SDCWA to retain contested allegations in amended petitions/complaints. |
| | March 22 | Metropolitan filed answers to the amended petitions/complaints and cross-complaints against SDCWA for declaratory relief and reformation, in the 2014, 2016 cases. |
| | March 22-23 | Member agencies City of Torrance, Eastern Municipal Water District, Foothill Municipal Water District, Las Virgenes Municipal Water District, Three Valleys Municipal Water District, Municipal Water District of Orange County, West Basin Municipal Water District, and Western Municipal Water District filed answers to the amended petitions/complaints in the 2014, 2016 cases. |
| | April 23 | SDCWA filed answers to Metropolitan's cross-complaints. |
| | Sept. 30 | Based on the Court of Appeal's Sept. 21 opinion (described above), and the Board's Sept. 28 authorization, Metropolitan paid \$35,871,153.70 to SDCWA for 2015-2017 Water Stewardship Rate charges under the Exchange Agreement and statutory interest. |
| 2017 | July 23, 2020 | Dismissal without prejudice entered. |
| 2018 | July 28, 2020 | Parties filed a stipulation and application to designate the case complex and related to the 2010-2017 cases, and to assign the case to Judge Massullo's court. |
| | Nov. 13 | Court ordered case complex and assigned to Judge Massullo's court. |
| | April 21, 2021 | SDCWA filed second amended petition/complaint. |
| | May 25 | Metropolitan filed motion to strike portions of the second amended petition/complaint. |
| | May 25-26 | Member agencies City of Torrance, Eastern Municipal Water District, Foothill Municipal Water District, Las Virgenes Municipal Water District, Three Valleys Municipal Water District, Municipal Water District of Orange County, West Basin Municipal Water District, and Western Municipal Water District filed joinders to the motion to strike. |
| | July 19 | Court issued order denying Metropolitan's motion to strike portions of the second amended petition/complaint. |



| Cases | Date | Status |
|---------------------|------------------|---|
| 2018 (cont.) | July 29 | Metropolitan filed answer to the second amended petition/complaint and cross-complaint against SDCWA for declaratory relief and reformation. |
| | July 29 | Member agencies City of Torrance, Eastern Municipal Water District, Foothill Municipal Water District, Las Virgenes Municipal Water District, Three Valleys Municipal Water District, Municipal Water District of Orange County, West Basin Municipal Water District, and Western Municipal Water District filed answers to the second amended petition/complaint. |
| | Aug. 31 | SDCWA filed answer to Metropolitan's cross-complaint. |
| | April 11, 2022 | Court entered order of voluntary dismissal of parties' WaterFix claims and cross-claims. |
| 2014, 2016, 2018 | June 11, 2021 | Deposition of non-party witness. |
| | Aug. 25 | Hearing on Metropolitan's motion for further protective order regarding deposition of non-party witness. |
| | Aug. 25 | Court issued order consolidating the 2014, 2016, and 2018 cases for all purposes, including trial. |
| | Aug. 30 | Court issued order granting Metropolitan's motion for a further protective order regarding deposition of non-party witness. |
| | Aug. 31 | SDCWA filed consolidated answer to Metropolitan's cross-complaints in the 2014, 2016, and 2018 cases. |
| | Oct. 27 | Parties submitted to the court a joint stipulation and proposed order staying discovery through Dec. 8 and resetting pre-trial deadlines. |
| | Oct. 29 | Court issued order staying discovery through Dec. 8 and resetting pre- trial deadlines, while the parties discuss the prospect of settling some or all remaining claims and crossclaims. |
| | Jan. 12, 2022 | Case Management Conference. Court ordered a 35-day case stay to allow the parties to focus on settlement negotiations, with weekly written check-ins with the court; and directed the parties to meet and confer regarding discovery and deadlines. |
| | Feb. 22 | Court issued order resetting pre-trial deadlines as proposed by the parties. |
| | Feb. 22 | Metropolitan and SDCWA each filed motions for summary adjudication. |
| | April 13 | Hearing on Metropolitan's and SDCWA's motions for summary adjudication. |



| Cases | Date | Status | |
|-----------------------------|--------------------|--|--|
| 2014, 2016, 2018 (cont.) | April 18 | Parties filed supplemental briefs regarding their respective motions for summary adjudication, as directed by the court. | |
| | April 18 | Court issued order resetting pre-trial deadlines as proposed by the parties. | |
| | April 29 | Parties filed pre-trial briefs. | |
| | April 29 | Metropolitan filed motions in limine. | |
| | May 4 | Court issued order granting Metropolitan's motion for summary adjudication on cross-claim for declaratory relief that the conveyance facility owner, Metropolitan, determines fair compensation, including any offsetting benefits; and denying its motion on certain other cross-claims and an affirmative defense. | |
| | May 11 | Court issued order granting SDCWA's motion for summary adjudication on cross-claim for declaratory relief in the 2018 case regarding lawfulness of the Water Stewardship Rate's inclusion in the wheeling rate and transportation rates in 2019-2020; certain cross-claims and affirmative defenses on the ground that Metropolitan has a duty to charge no more than fair compensation, which includes reasonable credit for any offsetting benefits, with the court also stating that whether that duty arose and whether Metropolitan breached that duty are issues to be resolved at trial; affirmative defenses that SDCWA's claims are untimely and SDCWA has not satisfied claims presentation requirements; affirmative defense in the 2018 case that SDCWA has not satisfied contract dispute resolution requirements; claim, cross- claims, and affirmative defenses regarding applicability of Proposition 26, finding that Proposition 26 applies to Metropolitan's rates and charges, with the court also stating that whether Metropolitan violated Proposition 26 is a separate issue; and cross-claims and affirmative defenses regarding applicability of Government Code section 54999.7, finding that section 54999.7 applies to Metropolitan's rates. Court denied SDCWA's motion on certain other cross-claims and affirmative defenses. | |
| | May 13 | Pre-trial conference; court denied Metropolitan's motions in limine. | |
| | May 16 | Court issued order setting post-trial brief deadline and closing arguments. | |
| | May 16-27 | Trial occurred but did not conclude. | |
| | May 23, June 21 | SDCWA filed motions in limine. | |
| | May 26, June 24 | Court denied SDCWA's motions in limine. | |



| Cases | Date | Status |
|-----------|-------------------------------|--|
| | June 3, June 24, July 1 | Trial continued, concluding on July 1. |
| | June 24 | SDCWA filed motion for partial judgment. |
| | July 15 | Metropolitan filed opposition to motion for partial judgment. |
| | Aug. 19 | Post-trial briefs due. |
| | Sept. 27 | Post-trial closing arguments. |
| All Cases | April 15, 2021 | Case Management Conference on 2010-2018 cases. Court set trial in 2014, 2016, and 2018 cases on May 16-27, 2022. |
| | April 27 | SDCWA served notice of deposition of non-party witness. |
| | May 13-14 | Metropolitan filed motions to quash and for protective order regarding deposition of non-party witness. |
| | June 4 | Ruling on motions to quash and for protective order. |



| Outside Counsel Agreements | | | | |
|---------------------------------------|--|------------------|-------------------|---------------------|
| Firm Name | Matter Name | Agreement No. | Effective Date | Contract Maximum |
| Andrade Gonzalez LLP | MWD v. DWR, CDFW and CDNR Incidental Take Permit (ITP) CESA/CEQA/Contract Litigation | 185894 | 07/20 | \$250,000 |
| Aleshire & Wynder | Oil, Mineral and Gas Leasing | 174613 | 08/18 | \$50,000 |
| Atkinson Andelson Loya Ruud & Romo | Employee Relations | 59302 | 04/04 | \$1,214,517 |
| Loya Ruud & Romo | MWD v. Collins | 185892 | 06/20 | \$100,000 |
| | Delta Conveyance Project Bond Validation-CEQA Litigation | 185899 | 09/21 | \$100,000 |
| | MWD Drone and Airspace Issues | 193452 | 08/20 | \$50,000 |
| | Equal Employee Opportunity Commission Charge | 200462 | 03/21 | \$20,000 |
| | Public Employment Relations Board Charge No. LA-CE-1441-M | 200467 | 03/21 | \$30,000 |
| | Representation re the Shaw Law Group's Investigations | 200485 | 05/20/21 | \$50,000 |
| | DFEH Charge- (DFEH Number 202102-12621316) | 201882 | 07/01/21 | \$25,000 |
| | AFSCME Local 1902 in Grievance No. 1906G020 (CSU Meal Period) | 201883 | 07/12/21 | \$30,000 |
| | AFSCME Local 1902 v. MWD, PERB Case No. LA-CE-1438-M | 201889 | 09/15/21 | \$20,000 |
| | MWD MOU Negotiations** | 201893 | 10/05/21 | \$100,000 |
| | DFEH Charge- (DFEH Number 202106-13819209) | 203439 | 12/14/21 | \$15,000 |
| | DFEH Charge- (DFEH Number 202109-14694608) | 203460 | 02/22 | \$15,000 |





| Firm Name | Matter Name | Agreement No. | Effective Date | Contract Maximum |
|---|---|------------------|-------------------|---------------------|
| Best, Best & Krieger | Navajo Nation v. U.S. Department of the Interior, et al. | 54332 | 05/03 | \$185,000 |
| | Bay-Delta Conservation Plan/Delta Conveyance Project (with SWCs) | 170697 | 08/17 | \$500,000 |
| | Environmental Compliance Issues | 185888 | 05/20 | \$100,000 |
| | Public Records Act Requests | 203462 | 04/22 | \$30,000 |
| Blooston, Mordkofsky, Dickens, Duffy & Prendergast, LLP | FCC and Communications Matters | 110227 | 11/10 | \$100,000 |
| Brown White & Osborn LLP | HR Matter | 203450 | 03/22 | \$50,000 |
| Buchalter, a Professional Corp. | Union Pacific Industry Track Agreement | 193464 | 12/07/20 | \$50,000 |
| Burke, Williams & Sorensen, LLP | Real Property - General | 180192 | 01/19 | \$100,000 |
| Solensen, LLF | Labor and Employment Matters | 180207 | 04/19 | \$50,000 |
| | General Real Estate Matters | 180209 | 08/19 | \$100,000 |
| Law Office of Alexis S.M. Chiu* | Bond Counsel | 200468 | 07/21 | N/A |
| Cislo & Thomas LLP | Intellectual Property | 170703 | 08/17 | \$75,000 |
| Cummins & White, LLP | Board Advice | 207941 | 05/22 | \$10,000 |
| Curls Bartling P.C.* | Bond Counsel | 174596 | 07/18 | N/A |
| | Bond Counsel | 200470 | 07/21 | N/A |
| Duane Morris LLP | SWRCB Curtailment Process | 138005 | 09/14 | \$615,422 |
| Duncan, Weinberg, Genzer & Pembroke PC | Power Issues | 6255 | 09/95 | \$3,175,000 |
| Ellison, Schneider, Harris & Donlan | Colorado River Issues | 69374 | 09/05 | \$175,000 |
| | Issues re SWRCB | 84457 | 06/07 | \$200,000 |
| Haden Law Office | Real Property Matters re Agricultural Land | 180194 | 01/19 | \$50,000 |



| Firm Name | Matter Name | Agreement No. | Effective Date | Contract Maximum |
|--|---|-------------------|-------------------|---------------------|
| Hanson Bridgett LLP | SDCWA v. MWD | 124103 | 03/12 | \$1,100,000 |
| | Finance Advice | 158024 | 12/16 | \$100,000 |
| | Deferred Compensation/HR | 170706 | 10/17 | \$ 400,000 |
| | Tax Issues | 180200 | 04/19 | \$50,000 |
| Hausman & Sosa, LLP | MOU Hearing Officer Appeal | 201892 | 09/21 | \$25,000 |
| | MOU Hearing Officer Appeal | 207943 | 05/22 | \$25,000 |
| Hawkins Delafield & Wood LLP* | Bond Counsel | 193469 | 07/21 | N/A |
| Horvitz & Levy | SDCWA v. MWD | 124100 | 02/12 | \$900,000 |
| | General Appellate Advice | 146616 | 12/15 | \$100,000 |
| | Colorado River | 203464 | 04/22 | \$100,000 |
| Hunt Ortmann Palffy Nieves Darling & Mah, Inc. | Construction Contracts/COVID-19 Emergency | 185883 | 03/20 | \$40,000 |
| Internet Law Center | HR Matter | 174603 | 05/18 | \$60,000 |
| | Cybersecurity and Privacy Advice and Representation | 200478 | 04/13/21 | \$100,000 |
| | Systems Integrated, LLC v. MWD | 201875 | 05/17/21 | \$65,000 |
| Amira Jackmon, Attorney at Law* | Bond Counsel | 200464 | 07/21 | N/A |
| Jackson Lewis P.C. | Employment: Department of Labor Office of Contract Compliance (OFCCP) | 137992 | 02/14 | \$45,000 |
| Jones Hall, A Professional Law Corporation* | Bond Counsel | 200465 | 07/21 | N/A |
| Kegel, Tobin & Truce | Workers' Compensation | 180206 | 06/19 | \$250,000 |
| Lesnick Prince & Pappas LLP | Topock/PG&E's Bankruptcy | 185859 | 10/19 | \$30,000 |



| Firm Name | Matter Name | Agreement No. | Effective Date | Contract Maximum |
|---------------------------------------|---|------------------------------------|-------------------|---|
| Liebert Cassidy Whitmore | Labor and Employment | 158032 | 02/17 | \$201,444 |
| whithore | EEO Investigations | 180193 | 01/19 | \$100,000 |
| | FLSA Audit | 180199 | 02/19 | \$50,000 |
| LiMandri & Jonna LLP | Bacon Island Subrogation | 200457 | 03/21 | \$50,000 |
| Manatt, Phelps & | In Re Tronox Incorporated | 103827 | 08/09 | \$540,000 |
| Phillips | SDCWA v. MWD rate litigation | 146627 | 06/16 | \$2,900,000 |
| | Raftelis - Subcontractor of Manatt, Phelps & Phillips Agreement No. 146627: Pursuant to 05/02/22 Engagement Letter between Manatt, Phelps & Phillips and Raftelis Financial Consultants, Inc., Metropolitan Water District paid Raftelis Financial Consultants, Inc. | <u>Invoice No.</u> <u>23949</u> | | \$56,376.64 for expert services and reimburs- able expenses in SDCWA v. MWD |
| Meyers Nave Riback Silver & Wilson | OCWD v. Northrop Corporation | 118445 | 07/11 | \$2,300,000 |
| | IID v. MWD (Contract Litigation) | 193472 | 02/21 | \$100,000 |
| Miller Barondess, LLP | SDCWA v. MWD | 138006 | 12/14 | \$600,000 |
| Morgan, Lewis & Bockius | SDCWA v. MWD | 110226 | 07/10 | \$8,750,000 |
| DOCKIUS | Project Labor Agreements | 200476 | 04/21 | \$100,000 |
| Musick, Peeler & Garrett LLP | Colorado River Aqueduct Electric Cables Repair/Contractor Claims | 193461 | 11/20 | \$900,000 |
| | Arvin-Edison v. Dow Chemical | 203452 | 01/22 | \$50,000 |
| Nixon Peabody LLP* | Bond Counsel | 193473 | 07/21 | N/A |
| Norton Rose Fulbright US LLP* | Bond Counsel | 200466 | 07/21 | N/A |
| Olson Remcho LLP | Government Law | 131968 | 07/14 | \$200,000 |
| | Ethics Office | 170714 | 01/18 | \$350,000 |
| | MWD Board/Ad Hoc Committee Advice | 203459 | 03/22 | \$60,000 |



| Firm Name | Matter Name | Agreement No. | Effective Date | Contract Maximum |
|-------------------------------------|---|------------------|-------------------|---------------------|
| Renne Public Law Group, LLP | ACE v. MWD (PERB Case No. LA-CE-1574-M) | <u>203466</u> | <u>05/22</u> | <u>\$50,000</u> |
| Ryan & Associates | Leasing Issues | 43714 | 06/01 | \$200,000 |
| Seyfarth Shaw LLP | HR Litigation | 185863 | 12/19 | \$250,000 |
| | Claim (Contract #201897) | 201897 | 11/04/21 | \$100,000 |
| | Claim (Contract #203436) | 203436 | 11/15/21 | \$100,000 |
| | Claim (Contract #203454) | 203454 | 01/22 | \$100,000 |
| | Claim (Contract #203455) | 203455 | 10/21 | \$100,000 |
| Stradling Yocca Carlson & Rauth* | Bond Counsel | 200471 | 07/21 | N/A |
| Theodora Oringher PC | OHL USA, Inc. v. MWD | 185854 | 09/19 | \$1,100,000 |
| | Construction Contracts - General Conditions Update | 185896 | 07/20 | \$100,000 |
| Thomas Law Group | MWD v. DWR, CDFW, CDNR – Incidental Take Permit (ITP) CESA/CEQA/Contract Litigation | 185891 | 05/20 | \$250,000 |
| | Iron Mountain SMARA (Surface Mining and Reclamation Act) | 203435 | 12/03/21 | \$100,000 |
| Thompson Coburn LLP | FERC Representation re Colorado River Aqueduct Electrical Transmission System | 122465 | 12/11 | \$100,000 |
| | NERC Energy Reliability Standards | 193451 | 08/20 | \$100,000 |
| Van Ness Feldman, LLP | General Litigation | 170704 | 07/18 | \$50,000 |
| | Colorado River MSHCP | 180191 | 01/19 | \$50,000 |
| | Bay-Delta and State Water Project Environmental Compliance | 193457 | 10/15/20 | \$50,000 |
| Western Water and Energy | California Independent System Operator Related Matters | 193463 | 11/20/20 | \$100,000 |

*Expenditures paid by Bond Proceeds/Finance **Expenditures paid by another group

THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

MINUTES

LEGAL AND CLAIMS COMMITTEE

June 14, 2022

Director Tamaribuchi called the teleconference meeting to order at 10:57 a.m.

Members present: Directors Atwater, Camacho, Fellow, Phan, Record, Smith, Sutley, and Tamaribuchi.

Members absent: Chair Dick and Director Goldberg.

Other Directors present: Chairwoman Gray, Directors Abdo, Ackerman, Blois, De Jesus, Dennstedt, Erdman, Faessel, Fong-Sakai, Hawkins, Jung, Kurtz, Lefevre, McCoy, Miller, Morris, Ortega, Peterson.

Committee Staff present: Beatty, Hagekhalil, Miyashiro, Scully, Torres, and Upadhyay.

1. OPPORTUNITY FOR MEMBERS OF THE PUBLIC TO ADDRESS THE COMMITTEE ON MATTERS WITHIN THE COMMITTEE'S JURISDICTION

Caty Wagner called in to comment on the Organization, Personnel & Technology Committee, item 6a. Ellen Mackey called in to comment on the Organization, Personnel & Technology Committee, item 6a.

2. MANAGEMENT REPORTS

A. Subject: General Counsel's report of monthly activities

General Counsel had nothing to add to her written report.

CONSENT CALENDAR ITEMS – ACTION

3. CONSENT CALENDAR OTHER ITEMS – ACTION

A. Approval of the Minutes of the Meeting of the Legal and Claims Committee held May 10, 2022.

Director Phan stated that while she was absent at the May 10 Legal & Claims Committee, she did review the Minutes.

4. CONSENT CALENDAR ITEMS – ACTION

None

Director Camacho made a motion, seconded by Director Atwater, to approve the consent calendar consisting of Item 3A:

The vote was:

| Directors Atwater, Camacho, Fellow, Phan, Record, Smith, Sutley, and Tamaribuchi |
|--|
| None |
| None |
| Chair Dick and Director Goldberg |
| |

The motion for Item 3A passed by a vote of 8 ayes, 0 noes, 0 abstain, and 2 absent.

END OF CONSENT CALENDAR ITEMS

5. OTHER BOARD ITEMS – ACTION

None

6. BOARD INFORMATION ITEMS

None

7. COMMITTEE ITEMS

Report on litigation, including discussions regarding potential Subject a. settlement, in San Diego County Water Authority v. Metropolitan Water District of Southern California, et al., San Francisco County Superior Court Case Nos. CPF-10-510830, CPF-12-512466, CPF-14-514004, CPF-16-515282, CPF-16-515391, CGC-17-563350, and CPF-18-516389; the appeals of the 2010 and 2012 actions, Court of Appeal for the First Appellate District Case Nos. A146901, A148266, A161144, and A162168, and California Supreme Court Case No. S243500; the petition for extraordinary writ in the 2010 and 2012 actions, Court of Appeal for the First Appellate District Case No. A155310; the petition for extraordinary writ in the second 2016 action, Court of Appeal for the First Appellate District Case No. A154325 and California Supreme Court Case No. S251025; and the Metropolitan Water District of Southern California v. San Diego County Water Authority

cross-complaints in the 2014, 2016, and 2018 actions. [Conference with legal counsel - existing litigation; to be heard in closed session pursuant to Gov. Code Sections 54956.9(d)(1)]]
 Presented by: Barry Lee, Manatt, Phelps & Phillips, LLP
 Directors Fong-Sakai, Miller, and Smith, representing the San Diego County Water Authority, withdrew from the meeting for the report on this item.

-3-

Director Phan recused herself for the report on this item because of a financial conflict of interest in that the City of Torrance is a client of her employer Rutan and Tucker.

In closed session, outside counsel Barry Lee, with the law firm of Manatt, Phelps & Phillips, LLP, gave a report on this item. No action was taken in closed session.

8. FOLLOW-UP ITEMS

None

9. FUTURE AGENDA ITEMS

None

Next meeting will be held on July 12, 2022.

Meeting adjourned at 12:31 p.m.

Satoru Tamaribuchi Acting Chair